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3 UNITED STATES DISTRICT COURT
4 NORTHERN DISTRICT OF CALIFORNIA
5 OAKLAND DIVISION

6
7 A ANTHONY S. BERRINGER,

8 Plaintiff,

No. C 12-0066 PJH (PR)

9 v.

ORDER OF DISMISSAL

10 F. MEZA, et al.,

11 Defendants.
12 _____ /

13 This is a civil rights case filed pro se by a state prisoner. A prisoner may not bring a
14 civil action in forma pauperis ("IFP") "if the prisoner has, on 3 or more prior occasions, while
15 incarcerated or detained in any facility, brought an action or appeal in a court of the United
16 States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a
17 claim upon which relief may be granted, unless the prisoner is under imminent danger of
18 serious physical injury." 28 U.S.C. § 1915(g).

19 The court issued an order to plaintiff noting that it appeared he had at least four
20 cases previously dismissed as frivolous, malicious, or for failure to state a claim, and listed
21 them. He was ordered to show cause within thirty days why leave to proceed IFP should
22 not be denied. When he failed to show cause, IFP was denied and he was ordered to pay
23 the \$350 filing fee within thirty days. He was warned that if he did not the case would be
24 dismissed. He has not paid the fee. The case is **DISMISSED**. The clerk shall close the
25 file.

26 **IT IS SO ORDERED.**

27 Dated: November 2, 2012.



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PHYLLIS J. HAMILTON
United States District Judge